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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(HONORABLE WILLIAM Q. HAYES)

MIGUEL TORRES-ALONZO, Plaintiff, v. UNITED STATES OF AMERICA, DEFENDANT DOE DRIVER, and DOES 1 through 100, individually, Defendants.	Case No. 08cv0242-WQH (NLS) **JOINT MOTION TO EXCUSE PLAINTIFF FROM ATTENDING THE EARLY NEUTRAL EVALUATION CONFERENCE** Date: August 7, 2008 Time: 2:00 p.m. Judge: Hon. Nita L. Stormes Dept: F

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

The parties, by and through their attorneys of record, hereby make the following joint motion to excuse Plaintiff from appearing at the Early Neutral Evaluation Conference ("ENEC") for the reasons set forth herein.

Plaintiff is a citizen of the Republic of Mexico and has no legal right to enter or remain in the United States of America. Plaintiff has been removed from the United States on eight prior occasions and has twice been convicted of illegally re-entering the United States subsequent to deportation. After receiving notice of the August 7, 2008, ENEC, Plaintiff's counsel contacted counsel for the United States, Assistant United States Attorney Dave Wallace, and requested that Mr. Wallace attempt to facilitate paroling Plaintiff into the United States to attend the ENEC. Mr. Wallace contacted the Department of Homeland

Security and was informed by the Department that based upon Plaintiff's criminal record, the Department believes Plaintiff poses a significant flight risk if he were paroled into the United States. Accordingly, the Department would not parole Plaintiff into the county to attend the ENEC. Mr. Wallace informed Plaintiff's counsel that Plaintiff's counsel could file a petition for discretionary humanitarian parole with the Department of Custom and Border Protection's director of field operations in the San Diego sector. Plaintiff will file such a petition. In light of the foregoing, however, Plaintiff's counsel is informed and believe that Plaintiff will not be able to by physically present at the ENEC on August 7, 2008.

In addition, because Plaintiff does not have a phone, it will not be possible for Plaintiff to be present telephonically. Counsel for Plaintiff has full authority to settle the matter, and the parties plan to engage in settlement discussions as soon as possible. Accordingly, in light of the logistical difficulties, the parties jointly request that Plaintiff be excused from attending the ENEC.

SO STIPULATED.

LAW OFFICES OF GERALD SINGLETON, APC

Dated: July 21, 2008

By: /s/ Gerald Singleton
GERALD SINGLETON
Attorney for Plaintiff Miguel Torres-Alonzo

UNITED STATES ATTORNEYS' OFFICE

Dated: July 21, 2008

By: /s/ David B. Wallace
DAVID B. WALLACE
Attorney for Defendant United States of America

I, Gerald Singleton hereby declare, under penalty of perjury under the laws of the State of California, that I provided a copy of this joint motion to opposing counsel David Wallace and received the permission of Mr. Wallace to affix his electronic signature to this joint motion before filing the motion.

/s/ Gerald Singleton
GERALD SINGLETON